

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Tuesday

May 4, 2004

One Hundred Fourteenth Day

Pursuant to adjournment the House was called to order by Speaker Kott at 10:31 a.m.

Roll call showed 31 members present. Representatives Croft, Guttenberg, Heinze, Joule, Kerttula, Moses, Stepovich, Weyhrauch, and Williams were absent and their presence was noted later.

The invocation was offered by the Chaplain, Pastor Daymond Geary of the Church for All Nations. Representative McGuire moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

Our Father in heaven, we come boldly before Your throne of grace. I believe that this is the year to expect more; more in 2004. You have given us many great and precious promises. "Ask and you shall receive" is one of the promises given to those who will appropriate it. We ask for favor on our state; favor that will bring opportunities to Alaska and new and better jobs. Give us favor that will distinguish our state among the nations. We ask for favor that will attract new, quality citizens to each of the communities represented. Give favor to the House of Representatives with the other branches of state government. May Your favor be upon these Representatives and their staff members within their own homes. As the hours get long and discussions become more intense, give favor for the items that will build a great future for our state. And we ask that You give favor to our soldiers in Afghanistan and Iraq; may they have the favor of the Lord upon them.

All this we ask in the mighty name of Jesus. Amen.

The Pledge of Allegiance was led by the Chief Clerk.

CERTIFICATION OF THE JOURNAL

Representative Coghill moved and asked unanimous consent that the journal for the 113th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

A letter dated May 3, 2004, was read stating that, in accordance with Article III, Section 25 of the Alaska Constitution, the Governor submits the following name for legislative confirmation of appointment to the position set out below.

The Speaker referred the following to the State Affairs Committee:

Commissioner - Department of Administration

Mr. Ray Matiashowski

Appointed: 5/2/2004

A resume for the appointment is on file in the Chief Clerk's office.

**The presence of Representatives Moses and Williams was noted.

MESSAGES FROM THE SENATE

HB 496

A message dated May 3, 2004, was read stating the Senate has passed:

CS FOR HOUSE BILL NO. 496(STA)

"An Act creating the youth vote ambassador program and relating to that program; authorizing the members of the program to be appointed to serve on election boards; relating to qualifications for appointment to election boards; and providing for an effective date."

CSHB 496(STA) was referred to the Chief Clerk for enrollment.

HB 524

A message dated May 3, 2004, was read stating the Senate has passed HB 524 am with the following amendment and it is transmitted for consideration:

SENATE CS FOR HOUSE BILL NO. 524(RES)

"An Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date."

HB 524 am is under Unfinished Business.

HB 414

A message dated May 3, 2004, was read stating the Senate has failed to recede from its amendment to:

CS FOR HOUSE BILL NO. 414(JUD)

"An Act relating to filling a vacancy in the office of United States senator, and to the definition of 'political party.'"

namely:

SENATE CS FOR CS FOR HOUSE BILL NO. 414(JUD)

"An Act relating to filling a vacancy in the office of United States senator, and to the definition of 'political party'; and providing for an effective date."

(technical title change)

The Speaker appointed the following members to a Conference Committee to meet with a like committee from the Senate to consider the bills:

Representative McGuire, Chair
Representative Anderson
Representative Crawford

**The presence of Representatives Weyhrauch and Kerttula was noted.

Messages dated May 3, 2004, were read stating the Senate has passed the following and they are transmitted for consideration:

**FIRST READING AND REFERENCE
OF SENATE BILLS**

SB 132

CS FOR SENATE BILL NO. 132(RES) by the Senate Resources Committee, entitled:

"An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Native Village of Minto."

was read the first time and referred to the Community & Regional Affairs and Resources Committees.

SB 136

CS FOR SENATE BILL NO. 136(FIN) am by the Senate Finance Committee, entitled:

"An Act relating to a mandatory property tax exemption for certain private property interests on military bases or installations; relating to an optional exclusion or exemption from municipal taxation for residential property; relating to an exemption from and deferral of municipal property taxes on certain types of deteriorated property; and providing for an effective date."

(HB 241 - similar bill)

was read the first time and referred to the Rules Committee.

SB 217

CS FOR SENATE BILL NO. 217(JUD) by the Senate Judiciary Committee, entitled:

"An Act relating to genetic privacy."

was read the first time and referred to the Judiciary Committee.

A Senate letter of intent was attached (Senate Journal page 2404).

SB 231

CS FOR SENATE BILL NO. 231(FIN) by the Senate Finance Committee, entitled:

"An Act relating to unclaimed property; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

SB 272

CS FOR SENATE BILL NO. 272(FIN) by the Senate Finance Committee, entitled:

"An Act relating to certain monetary advances in which the deposit or other negotiation of checks to pay the advances is delayed until a later date; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

SB 278

CS FOR SENATE BILL NO. 278(FIN) by the Senate Finance Committee, entitled:

"An Act relating to fees for the inspection of recreational devices, including instructional devices, for certificates of fitness for electrical wiring and plumbing, and for licenses for boiler operators; relating to the building safety account; and providing for an effective date."

was read the first time and referred to the Finance Committee.

REPORTS OF STANDING COMMITTEES

The Judiciary Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Mr. Michael J. Hurley

as a member of the Board of Governors of the Alaska Bar.

Mr. Peter J. Aschenbrenner

as a member of the Commission on Judicial Conduct.

Mr. Gerad Godfrey

as a member of the Violent Crimes Compensation Board.

The reports were signed by Representative McGuire, Chair; and Representatives Samuels, Holm, Gara, Anderson, Gruenberg, Ogg.

**The presence of Representative Croft was noted.

The Labor & Commerce Committee has reviewed the qualifications of the following and recommends the appointment be forwarded to a joint session for consideration:

Mr. Duane S. Udland

as a member of the Alcoholic Beverage Control Board.

The report was signed by Representative Anderson, Chair; and Representatives Lynn, Rokeberg, Dahlstrom, Crawford.

The Labor & Commerce Committee has reviewed the qualifications of the following and recommends the appointments be forwarded to a joint session for consideration:

Mr. Craig Fredeen

as a member of the State Board of Registration for Architects, Engineers, and Land Surveyors.

Mr. Allen S. Black
Mr. Patrick S. Carlson

as members of the State Assessment Review Board.

Ms. Debra Long
Ms. Joylene Marrs
Ms. Angela J. Rosas
Mr. Larry Allen Ungerecht

as members of the Board of Barbers and Hairdressers.

Mr. Robert J. Arts
Mr. Jack G. Poulson, Esq.

as members of the Board of Marine Pilots.

Ms. Valarie L. Allmon
Mr. Chris N. Johansen
Mr. David Kester
Mr. James (Jay) N. Rhodes
Ms. Patricia A. Vollendorf

as members of the Alaska Workers' Compensation Board.

The reports were signed by Representative Anderson, Chair; and Representatives Lynn, Dahlstrom, Rokeberg, Gatto, Crawford.

**The presence of Representatives Stepovich and Heinze was noted.

SB 255

The Judiciary Committee has considered:

CS FOR SENATE BILL NO. 255(FIN)
"An Act relating to traffic preemption devices."

The report was signed by Representative McGuire, Chair, with the following individual recommendations:

Do pass (7): Samuels, Holm, Gara, Anderson, Gruenberg, Ogg, McGuire

The following fiscal note(s) apply:

1. Zero, Dept. of Public Safety
2. Zero, Dept. of Public Safety
3. Zero, Dept. of Law
4. Indeterminate, Dept. of Administration

CSSB 255(FIN) was referred to the Rules Committee for placement on the calendar.

SB 328

The Finance Committee has considered:

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO.
328(FIN)

"An Act relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; making conforming amendments; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO.
328(CRA)
(same title)

The report was signed by Representative Williams, Co-chair, with the following individual recommendations:

Do pass (5): Meyer, Hawker, Fate, Foster, Williams

No recommendation (3): Stoltze, Moses, Chenault

The following fiscal note(s) apply to HCS CSSSSB 328(CRA):

1. Zero, Dept. of Community & Economic Development

CSSSSB 328(FIN) was referred to the Rules Committee for placement on the calendar.

**The presence of Representative Joule was noted.

SB 357

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 357(FIN)

"An Act relating to the regulation of insurance, insurance licenses, qualifications of insurance producers, surplus lines, fraud investigations, electronic transactions, and compliance with federal law and national standards; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 357(L&C)
(same title)

The report was signed by Representative Anderson, Chair, with the following individual recommendations:

Do pass (2): Rokeberg, Anderson

No recommendation (3): Crawford, Lynn, Dahlstrom

The following fiscal note(s) apply to HCS CSSB 357(L&C):

1. Zero, Dept. of Community & Economic Development

CSSB 357(FIN) was referred to the Finance Committee.

SB 365

The Labor & Commerce Committee has considered:

CS FOR SENATE BILL NO. 365(FIN)

"An Act relating to the regulation of speech-language pathologist assistants; and providing for an effective date."

The report was signed by Representative Anderson, Chair, with the following individual recommendations:

Do pass (5): Crawford, Lynn, Gatto, Dahlstrom, Anderson

No recommendation (1): Rokeberg

The following fiscal note(s) apply:

1. Fiscal, Dept. of Community & Economic Development

CSSB 365(FIN) was referred to the Finance Committee.

SB 389

The Labor & Commerce Committee has considered:

SENATE BILL NO. 389

"An Act relating to the conversion of certain corporations to limited liability companies; and providing for an effective date."

The report was signed by Representative Anderson, Chair, with the following individual recommendations:

Do pass (2): Rokeberg, Anderson

No recommendation (3): Crawford, Lynn, Dahlstrom

The following fiscal note(s) apply:

1. Zero, Dept. of Community & Economic Development

2. Zero, Dept. of Revenue

SB 389 was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEES

SB 69

The House Special Committee on Fisheries has considered:

CS FOR SENATE BILL NO. 69(RES)

"An Act relating to participation in matters before the Board of Fisheries by members of the board; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 69(FSH)
(same title)

The report was signed by Representative Seaton, Chair, with the following individual recommendations:

Do pass (1): Seaton

No recommendation (3): Gara, Samuels, Ogg

Amend (1): Wilson

The following fiscal note(s) apply to HCS CSSB 69(FSH):

2. Zero, Dept. of Fish & Game

CSSB 69(RES) was referred to the Resources Committee.

INTRODUCTION OF CITATIONS

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

Honoring - Robert D. Storer
By Representatives Kerttula, Weyhrauch; Senator Elton

Honoring - Southeast Alaska Area Council, Boy Scouts of America
By Representatives Weyhrauch, Kerttula; Senator Elton

Honoring - Juneau-Douglas High School, National Ocean Sciences
Bowl Participants
By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Leona Gran
By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Fred C. Morgan, Sr.
By Representatives Kerttula, Weyhrauch; Senator Elton

In Memoriam - Bob Ernisse
By Representative Berkowitz

In Memoriam - Scott Cunningham
By Representative Seaton; Senator Gary Stevens

In Memoriam - Phyllis Abbott
By Representative Seaton; Senator Gary Stevens

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 563

HOUSE BILL NO. 563 by the House Rules Committee, entitled:

"An Act relating to open meetings guidelines applicable to legislators, to the confidentiality of complaints and proceedings involving alleging violations of AS 24.60, and to hearings on formal charges by the Select Committee on Legislative Ethics or its subcommittees."

was read the first time and referred to the Judiciary Committee.

CONSIDERATION OF THE DAILY CALENDAR**SECOND READING OF SENATE BILLS****SB 203**

The following was read the second time:

CS FOR SENATE BILL NO. 203(FIN) am

"An Act relating to administrative hearings, to hearing officers, and to administrative law judges; establishing the office of administrative hearings and relating to that office; and providing for an effective date."

with the:

Journal Page

JUD RPT HCS(JUD) 5DP	3020
FN6: (ADM); FN7: (ADM)	3020
FN8: ZERO(LWF); FN9: (DPS)	3020
FN10: ZERO(HSS); FN11: (GOV)	3020
FN12: INDETERMINATE(CED)	3020
FN13: ZERO(EED)	3020
FN14: INDETERMINATE(DEC)	3020
FN15: (CED)	3020
FN17: INDETERMINATE(LAW)	3020
FN18: INDETERMINATE(EED)	3020
FN19: (REV); FN20: (REV)	3020
FN21: ZERO(CED)	3020
FIN RPT HCS(FIN) 7DP 4NR	3732
FN6: (ADM); FN7: (ADM)	3732
FN9: (DPS)	3732
FN10: ZERO(HSS)	3732
FN11: (GOV)	3732
FN12: INDETERMINATE(CED)	3732
FN13: ZERO(EED)	3732
FN14: INDETERMINATE(DEC)	3732
FN15: (CED)	3732
FN18: INDETERMINATE(EED)	3732
FN19: (REV); FN20: (REV)	3732
FN21: ZERO(CED)	3732
FN22: ZERO(LWF); FN23: ZERO(LWF)	3732
FN24: INDETERMINATE(LAW)	3732

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

HOUSE CS FOR CS FOR SENATE BILL NO. 203(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS CSSB 203(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

HCS CSSB 203(FIN) will advance to third reading on tomorrow's calendar.

**The presence of Representative Guttenberg was noted.

SB 285

The following was read the second time:

SENATE BILL NO. 285

"An Act relating to medical assistance coverage for targeted case management services and for rehabilitative services furnished or paid for by a school district on behalf of certain children; and providing for an effective date."

with the:	Journal Page
HES RPT 5DP	2935
FN1: ZERO(HSS)	2935
FN2: ZERO(HSS)	2935
FIN RPT 6DP 2NR	3580
FN1: ZERO(HSS)	3581
FN2: ZERO(HSS)	3581

Representative Coghill moved and asked unanimous consent that SB 285 be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

SB 285 will advance to third reading on tomorrow's calendar.

SB 305

The following was read the second time:

SENATE BILL NO. 305

"An Act relating to state ownership of submerged land underlying water that was navigable at the time Alaska achieved statehood."

with the:	Journal Page
RES RPT 6DP 2NR	2985
FN1: (DNR)	2985
FIN RPT HCS(FIN) 6DP 3NR	3664
FN1: (DNR)	3665

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

HOUSE CS FOR SENATE BILL NO. 305(FIN)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that HCS SB 305(FIN) be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

HCS SB 305(FIN) will advance to third reading on tomorrow's calendar.

SB 295

The following was read the second time:

SENATE BILL NO. 295

"An Act extending the termination date of the Navigable Waters Commission for Alaska; and providing for an effective date."

with the:	Journal Page
RES RPT 7DP 1NR	2984
FN1: INDETERMINATE(DNR)	2984
FIN RPT 9DP 2NR	3664
FN1: INDETERMINATE(DNR)	3664

Representative Coghill moved and asked unanimous consent that SB 295 be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

SB 295 will advance to third reading on tomorrow's calendar.

SB 327

The following was read the second time:

CS FOR SENATE BILL NO. 327(STA)

"An Act relating to pedestrians using rollerblades, roller skates, and rollerskis."

with the:	Journal Page
TRA RPT 4DP 3NR	3136
FN1: ZERO(DPS)	3136
STA RPT 2DP 2NR	3402
FN1: ZERO(DPS)	3403

Representative Coghill moved and asked unanimous consent that CSSB 327(STA) be considered engrossed, advanced to third reading, and placed on final passage

Objection was heard.

CSSB 327(STA) will advance to third reading on tomorrow's calendar.

THIRD READING OF SENATE BILLS

SB 299

The following, which was advanced to third reading from the May 3, 2004, calendar (page 3763), was read the third time:

HOUSE CS FOR SENATE BILL NO. 299(JUD)
"An Act relating to a charge for a bad check."

Representative Kott moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Kott was required to vote.

Representative Cissna moved and asked unanimous consent that HCS CSSB 299(JUD) be returned to second reading for the specific purpose of considering Amendment No. 1. There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Cissna:

Page 1, line 11:

Delete "a"

Insert "up to a maximum"

Representative Cissna moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Hawker objected.

Representatives Gara, Rokeberg, and Stepovich moved and asked unanimous consent that they be allowed to abstain from voting because of a conflict of interest. Objection was heard, and the members were required to vote.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

HCS SB 299(JUD)
Second Reading
Amendment No. 1

YEAS: 26 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Heinze, Joule, Kapsner, Kerttula, Kookesh, Kott, Masek, McGuire, Morgan, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Chenault, Coghill, Fate, Foster, Harris, Hawker, Holm, Kohring, Lynn, Meyer, Moses, Ogg, Rokeberg, Samuels

And so, Amendment No. 1 was adopted.

The question being: "Shall HCS SB 299(JUD) am H pass the House?"
The roll was taken with the following result:

HCS SB 299(JUD) am H
Third Reading
Final Passage

YEAS: 35 NAYS: 5 EXCUSED: 0 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Heinze, Holm, Joule, Kapsner, Kerttula, Kookesh, Kott, Masek, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Harris, Hawker, Kohring, Lynn, Ogg

And so, HCS SB 299(JUD) am H passed the House.

Representative Hawker later gave reconsideration of the vote on HCS SB 299(JUD) am H and reconsideration was taken up then.

SB 323

The following, which was advanced to third reading from the May 3, 2004, calendar (page 3766), was read the third time:

CS FOR SENATE BILL NO. 323(JUD) am

"An Act relating to a subcontractor's, contractor's, and project owner's liability for workers' compensation, to sole proprietors and partnerships without employees, and managers or managing members of limited liability companies, and to the exclusiveness of liability for workers' compensation."

Representative Harris moved and asked unanimous consent that CSSB 323(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 1.

Representative Holm objected and withdrew the objection. There being no further objection, CSSB 323(JUD) am was returned to second reading.

Amendment No. 1 was offered by Representatives Harris and Croft:

Page 2, line 14, following "subcontractor":

Insert "that has secured the payment of compensation for its own employees as required by (a) of this section"

Page 2, line 26:

Delete "not"

Page 2, line 28, following "death.":

Insert "However, the project owner, contractor, or subcontractor, or an insurer of the project owner, contractor, or subcontractor who has paid any amount of compensation on behalf of a sole proprietor, member of a partnership, or manager or managing member of a limited liability company under this subsection, has a cause of action to recover any amounts paid."

Page 3, following line 15:

Insert a new bill section to read:

"* **Sec. 6.** AS 23.30.055 is amended by adding a new subsection to read:

(b) Notwithstanding (a) of this section, a sole proprietor, member of a partnership, or manager or managing member of a limited liability company may maintain an action under AS 23.30.045(h)."

Representative Harris moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Anderson objected.

Representative Croft placed a call of the House and lifted the call.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CSSB 323(JUD) am
Second Reading
Amendment No. 1

YEAS: 18 NAYS: 21 EXCUSED: 0 ABSENT: 1

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Guttenberg, Harris, Heinze, Joule, Kapsner, Kerttula, Kookesh, Lynn, Morgan, Weyhrauch, Wolf

Nays: Anderson, Chenault, Coghill, Fate, Foster, Gatto, Hawker, Holm, Kohring, Kott, Masek, McGuire, Meyer, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson

Absent: Moses

And so, Amendment No. 1 was not adopted.

Representative Seaton moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Seaton was required to vote.

Representative Kott declared a conflict of interest.

Representative Anderson placed a call of the House. The call was satisfied.

Representative Chenault moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Chenault was required to vote.

Representative Anderson lifted the call.

ANNOUNCEMENTS

Majority Caucus Speaker's Chamber 4:00 p.m., 5/4

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 12:51 p.m.

AFTER RECESS

The Speaker called the House back to order at 10:15 p.m.

THIRD READING OF SENATE BILLS

(continued)

SB 323

Representative Croft moved and asked unanimous consent that CSSB 323(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 2.

Representative Anderson objected and withdrew the objection. There being no further objection, CSSB 323(JUD) am was returned to second reading.

Amendment No. 2 was offered by Representative Croft:

Page 2, lines 12 - 28:

Delete all material.

Renumber the following bill section accordingly.

Representative Croft moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Anderson objected.

Representative Rokeberg rose to a point of order regarding confining remarks to the amendment.

The Speaker cautioned the member to narrow the remarks.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSSB 323(JUD) am
Second Reading
Amendment No. 2

YEAS: 19 NAYS: 20 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Joule, Kapsner, Kerttula, Lynn, Morgan, Moses, Seaton, Weyhrauch, Wolf

Nays: Anderson, Chenault, Coghill, Fate, Foster, Hawker, Heinze, Holm, Kohring, Kott, Masek, McGuire, Meyer, Ogg, Rokeberg, Samuels, Stepovich, Stoltze, Williams, Wilson

Excused: Kookesh

And so, Amendment No. 2 was not adopted.

Representative Coghill moved and asked unanimous consent that Representative Kookesh be excused from a call of the House tonight. There being no objection, it was so ordered.

**The voting record was changed to reflect that Representative Kookesh was excused.

The Speaker stated that, without objection, CSSB 323(JUD) am would be moved to the bottom of the calendar.

RECONSIDERATION

SB 299

Representative Hawker gave notice of reconsideration of the vote on HCS SB 299(JUD) am H (page 3798).

Representative Hawker moved and asked unanimous consent that reconsideration of HCS SB 299(JUD) am H be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

HOUSE CS FOR SENATE BILL NO. 299(JUD) am H
"An Act relating to a charge for a bad check."

The question to be reconsidered: "Shall HCS SB 299(JUD) am H pass the House?" The roll was taken with the following result:

HCS SB 299(JUD) am H--RECONSIDERATION
Third Reading
Final Passage

YEAS: 37 NAYS: 2 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Nays: Kohring, Ogg

Excused: Kookesh

And so, HCS SB 299(JUD) am H passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

CONSIDERATION OF THE DAILY CALENDAR
(continued)

SECOND READING OF SENATE RESOLUTIONS

SJR 14

The following was read the second time:

SENATE JOINT RESOLUTION NO. 14
Requesting the Federal Aviation Administration to fully staff and maintain flight service stations in Alaska.

with the:	Journal Page
TRA RPT 5DP	3401
FN2: ZERO(S.RLS/DOT)	3401

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CRA RPT 5DP	3535
FN2: ZERO(S.RLS/DOT)	3536

Representative Coghill moved and asked unanimous consent that SJR 14 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

SJR 14 was read the third time.

The question being: "Shall SJR 14 pass the House?" The roll was taken with the following result:

SJR 14
Third Reading
Final Passage

YEAS: 39 NAYS: 0 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Cissna, Coghill, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, Lynn, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Excused: Kookesh

And so, SJR 14 passed the House and was returned to the Senate.

SJR 27

The following was read the second time:

SENATE JOINT RESOLUTION NO. 27
Relating to the resolution of submerged land title disputes.

with the:	Journal Page
RES RPT 5DP	2948
FN1: ZERO(DNR)	2949

Representative Coghill moved and asked unanimous consent that SJR 27 be considered engrossed, advanced to third reading, and placed on final passage.

Objection was heard.

SJR 27 will advance to third reading on tomorrow's calendar.

The Speaker stated that, without objection, the House would revert to:

REPORTS OF STANDING COMMITTEES

HB 561

The Finance Committee has considered:

HOUSE BILL NO. 561

"An Act providing for and relating to the issuance of general obligation bonds in a principal amount of not more than \$1,000,000 for the purpose of paying the cost of state transportation projects; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 561(FIN)

"An Act providing for and relating to the issuance of general obligation bonds in a principal amount of not more than \$93,280,000 for the purpose of paying the cost of state transportation projects; and providing for an effective date."

The report was signed by Representative Williams, Co-chair, with the following individual recommendations:

Do pass (6): Meyer, Hawker, Chenault, Fate, Foster, Williams

No recommendation (1): Stoltze

The following fiscal note(s) apply to CSHB 561(FIN):

1. Fiscal, Dept. of Revenue

HB 561 is on today's first supplemental calendar.

CONSIDERATION OF THE DAILY CALENDAR
(continued)

THIRD READING OF SENATE BILLS
(continued)

SB 323

The following, which had been moved to the bottom of the calendar (page 3802), was again before the House in third reading:

CS FOR SENATE BILL NO. 323(JUD) am

"An Act relating to a subcontractor's, contractor's, and project owner's liability for workers' compensation, to sole proprietors and partnerships without employees, and managers or managing members of limited liability companies, and to the exclusiveness of liability for workers' compensation."

Representative Gara moved and asked unanimous consent that CSSB 323(JUD) am be returned to second reading for the specific purpose of considering Amendment No. 3. There being no objection, it was so ordered.

Amendment No. 3 was offered by Representative Gara:

Page 3, line 14, following "**liable for**":

Delete "**or potentially liable**"

Page 3, line 15, following "**compensation**":

Insert "**and is properly insured to pay that compensation**"

Representative Gara moved and asked unanimous consent that Amendment No. 3 be adopted.

Representative Anderson objected.

The question being: "Shall Amendment No. 3 be adopted?" The roll was taken with the following result:

CSSB 323(JUD) am

Second Reading

Amendment No. 3

YEAS: 17 NAYS: 22 EXCUSED: 1 ABSENT: 0

Yeas: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Joule, Kapsner, Kerttula, Lynn, Moses, Weyhrauch, Wolf

Nays: Anderson, Chenault, Coghill, Fate, Foster, Hawker, Heinze, Holm, Kohring, Kott, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson

Excused: Kookesh

And so, Amendment No. 3 was not adopted.

The question being: "Shall CSSB 323(JUD) am pass the House?"
The roll was taken with the following result:

CSSB 323(JUD) am
Third Reading
Final Passage

YEAS: 19 NAYS: 20 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Chenault, Coghill, Fate, Foster, Hawker, Heinze, Holm, Kohring, Kott, Masek, McGuire, Meyer, Morgan, Rokeberg, Samuels, Stepovich, Stoltze, Williams

Nays: Berkowitz, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Joule, Kapsner, Kerttula, Lynn, Moses, Ogg, Seaton, Weyhrauch, Wilson, Wolf

Excused: Kookesh

And so, CSSB 323(JUD) am failed to pass the House.

Representative Anderson gave notice of reconsideration of the vote on CSSB 323(JUD) am(fld H).

CONSIDERATION OF THE FIRST SUPPLEMENTAL CALENDAR

Representative Coghill moved and asked unanimous consent that the House adopt the First Supplemental Calendar. There being no objection, the following was adopted:

HB 561 G.O. BONDS FOR TRANSPORTATION PROJECTS

SECOND READING OF HOUSE BILLS**HB 561**

The following was read the second time:

HOUSE BILL NO. 561

"An Act providing for and relating to the issuance of general obligation bonds in a principal amount of not more than \$1,000,000 for the purpose of paying the cost of state transportation projects; and providing for an effective date."

with the:	Journal Page
FIN RPT CS(FIN) NT 6DP 1NR	3805
FN1: (REV)	3805

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 561(FIN)

"An Act providing for and relating to the issuance of general obligation bonds in a principal amount of not more than \$93,280,000 for the purpose of paying the cost of state transportation projects; and providing for an effective date."

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 561(FIN) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 561(FIN) was read the third time.

Representative Rokeberg placed a call of the House on the bill.

The Speaker stated the call was satisfied.

The question being: "Shall CSHB 561(FIN) pass the House?" The roll was taken with the following result:

CSHB 561(FIN)
Third Reading
Final Passage

YEAS: 34 NAYS: 5 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf

Nays: Coghill, Gatto, Harris, Lynn, Stoltze

Excused: Kookesh

And so, CSHB 561(FIN) passed the House.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Gatto later gave notice of reconsideration of the vote on CSHB 561(FIN), and reconsideration was taken up then.

The Speaker stated that, without objection, the House would recess for a Rules Committee meeting; and so, the House recessed at 11:17 p.m.

AFTER RECESS

The Speaker called the House back to order at 12:52 a.m.

The Speaker stated that, without objection, the House would revert to:

REPORTS OF STANDING COMMITTEES

HB 404

The Rules Committee has considered:

HOUSE BILL NO. 404

"An Act relating to the Alaska Commission on Postsecondary Education; relating to the Alaska Student Loan Corporation;

relating to bonds of the corporation; relating to loan and grant programs of the commission; relating to an exemption from the State Procurement Code regarding certain contracts of the commission or corporation; making conforming changes; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 404(RLS)
(same title)

The report was signed by Representative Rokeberg, Chair, with the following individual recommendations:

Do pass (3): Kerttula, Berkowitz, Rokeberg

No recommendation (4): Kott, Coghill, Morgan, McGuire

The following fiscal note(s) apply to CSHB 404(RLS):

6. Fiscal, Dept. of Education & Early Development

HB 404 is on today's second supplemental calendar.

CONSIDERATION OF THE SECOND SUPPLEMENTAL CALENDAR

Representative Coghill moved and asked unanimous consent that the House adopt the Second Supplemental Calendar. There being no objection, the following was adopted:

HB 404 STUDENT LOAN PROGRAMS

SECOND READING OF HOUSE BILLS

HB 404

The following was read the second time:

HOUSE BILL NO. 404

"An Act relating to the Alaska Commission on Postsecondary Education; relating to the Alaska Student Loan Corporation; relating to bonds of the corporation; relating to loan and grant programs of the commission; relating to an exemption from the State Procurement Code regarding certain contracts of the commission or corporation; making conforming changes; and providing for an effective date."

with the:	Journal Page
EDU REFERRAL WAIVED	2667
HES RPT CS(HES) 6DP	2740
FN1: ZERO(ADM)	2740
FN2: ZERO(CED)	2740
FN4: ZERO(LWF)	2740
FN5: (EED)	2740
FIN RPT CS(HES) 5DP 5NR	2807
FN1: ZERO(ADM)	2807
FN2: ZERO(CED)	2807
FN4: ZERO(LWF)	2807
FN5: (EED)	2807
RLS RPT CS(RLS) 3DP 4NR	3809
FN6: (EED)	3810

Representative Coghill moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 404(RLS)
(same title)

There being no objection, it was so ordered.

Representative Coghill moved and asked unanimous consent that CSHB 404(RLS) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 404(RLS) was read the third time.

The question being: "Shall CSHB 404(RLS) pass the House?" The roll was taken with the following result:

CSHB 404(RLS)
Third Reading
Final Passage

YEAS: 34 NAYS: 5 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Fate, Foster, Gara, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, Lynn, Masek, McGuire, Morgan, Moses, Ogg, Rokeberg, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wolf

Nays: Coghill, Harris, Meyer, Samuels, Wilson

Excused: Kookesh

And so, CSHB 404(RLS) passed the House.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 404(RLS) was referred to the Chief Clerk for engrossment.

CONSIDERATION OF THE DAILY CALENDAR (continued)

LEGISLATIVE CITATIONS

Representative Coghill moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Dr. Julius R. Krevans, Jr.

By Representatives Kapsner, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kerttula, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson, Wolf

Honoring - Peter DuBois

By Representatives Kerttula, Weyhrauch, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

Honoring - Rosalee Walker

By Representatives Kerttula, Weyhrauch, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

Honoring - Juneau-Douglas High School, 100 Years of Graduating Classes

By Representatives Kerttula, Weyhrauch, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kohring, Kookesh, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf; Senator Elton

Honoring - Emma Olsen

By Senator Elton; Representatives Weyhrauch, Kerttula, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Williams, Wilson, Wolf

Honoring - Sgt. Tyler Allen Hall

By Senator Green; Representatives Gatto, Stoltze, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Gara, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kerttula, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Weyhrauch, Williams, Wilson, Wolf

Honoring - The Alaska Folk Festival

By Senator Elton; Representatives Weyhrauch, Kerttula, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kohring, Kookesh, Lynn, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf

In Memoriam - Ruth Wilma Schmitz

By Representatives Kerttula, Weyhrauch, Kott, Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Foster, Gara, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holm, Joule, Kapsner, Kohring, Kookesh, Masek, McGuire, Meyer, Morgan, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Williams, Wilson, Wolf;
Senator Elton

RECONSIDERATION**HB 561**

Representative Gatto gave notice of reconsideration of the vote on CSHB 561(FIN) (page 3809).

Representative Gatto moved and asked unanimous consent that reconsideration of CSHB 561(FIN) be taken up on the same day. There being no objection, it was so ordered.

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 561(FIN)

"An Act providing for and relating to the issuance of general obligation bonds in a principal amount of not more than \$93,280,000 for the purpose of paying the cost of state transportation projects; and providing for an effective date."

The question to be reconsidered: "Shall CSHB 561(FIN) pass the House?" The roll was taken with the following result:

CSHB 561(FIN)--RECONSIDERATION

Third Reading

Final Passage

YEAS: 34 NAYS: 5 EXCUSED: 1 ABSENT: 0

Yeas: Anderson, Berkowitz, Chenault, Cissna, Crawford, Croft, Dahlstrom, Fate, Foster, Gatto, Gruenberg, Guttenberg, Hawker, Heinze, Holm, Joule, Kapsner, Kerttula, Kohring, Kott, Masek, McGuire, Meyer, Morgan, Moses, Ogg, Rokeberg, Samuels, Seaton, Stepovich, Stoltze, Weyhrauch, Williams, Wilson

Nays: Coghill, Gara, Harris, Lynn, Wolf

Excused: Kookesh

And so, CSHB 561(FIN) passed the House on reconsideration.

Representative Coghill moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 561(FIN) was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESS

HB 468

The Speaker stated that, without objection, reconsideration of the following, which had been held to today (page 3775), will be held to May 5, 2004:

CS FOR HOUSE BILL NO. 468(JUD)(ct rule fld)

"An Act relating to the amount of the bond required to stay execution of a judgment in civil litigation involving a signatory, a successor of a signatory, or an affiliate of a signatory to the tobacco product Master Settlement Agreement during an appeal; and providing for an effective date."

SB 349

The Speaker waived the Labor & Commerce Committee referral for the following at the request of Representative Anderson, Chair:

SENATE BILL NO. 349

"An Act requiring licensure of midwifery birth centers; and providing for an effective date."

SB 349 was removed from the Labor & Commerce Committee and referred to the Finance Committee.

HB 84

Representative Seaton added his name as cosponsor to:

HOUSE BILL NO. 84

"An Act relating to a curriculum for Alaska history; and providing for an effective date."

SJR 14

Representatives Stoltze and Lynn added their names as cross sponsors to:

SENATE JOINT RESOLUTION NO. 14

Requesting the Federal Aviation Administration to fully staff and maintain flight service stations in Alaska.

SJR 27

Representatives Weyhrauch, Chenault, and Seaton added their names as cross sponsors to:

SENATE JOINT RESOLUTION NO. 27

Relating to the resolution of submerged land title disputes.

SB 132

Representatives Kookesh and Morgan added their names as cross sponsors to:

CS FOR SENATE BILL NO. 132(RES)

"An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Native Village of Minto."

SB 286

Representative Wilson added her name as cross sponsor to:

CS FOR SENATE BILL NO. 286(FIN)

"An Act relating to direct marketing fisheries businesses, to the fisheries business tax, and to liability for payment of taxes and assessments on the sale or transfer of fishery resources; and providing for an effective date."

ENGROSSMENT**HB 404**

CSHB 404(RLS) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

HB 561

CSHB 561(FIN) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

SB 299

HCS SB 299(JUD) am H was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENT**HB 350**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 10:11 a.m., May 4, 2004:

CS FOR HOUSE BILL NO. 350(STA)

"An Act adding personal injury and death from arson in the first degree to the injuries compensable by the Violent Crimes Compensation Board; and providing for an effective date."

ANNOUNCEMENTS

House committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Coghill moved and asked unanimous consent that the House adjourn until 11:00 a.m., May 5, 2004. There being no objection, the House adjourned at 1:04 a.m., May 5, 2004.

Suzi Lowell
Chief Clerk